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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,293	05/04/2001	Angelica Golubkov	2605.30	1865

5514 7590 08/13/2003

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EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 08/13/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

489

Office Action Summary	Application No.		Applicant(s)	
	09/848,293		GOLUBKOV ET AL.	
	Examiner		Art Unit	
	Margaret B. Medley		1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-33 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Paper No. 7 dated June 9, 2003.

The amendment, Paper No. 7, amending claims 1, 11 and 31 and adding claims 32-33 have been entered of record.

The pending claims of record are claims 1-33.

The rejection of claims 11-13 under 35 U.S.C. Section 112 is withdrawn in view of applicants' amendments to claim 11.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11-30 and 32-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Killick et al (Killick) WO 95/02654 for reasons made of record.

Claims 1-9 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Majunke et al (Majunke) EP 0,121,089 A2 for reasons made of record

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly being anticipated by Sweeney 4,356,001 for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cunningham 5,405,417 for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bowers et al (Bowers) 4,892,562 for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Darin et al (Darin) 4,746,420 for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seemuth 4,522,630 for reasons made of record.

Claims 1-8 and 11-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seemuth 4,536,190 for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lozzi 5,766,272 for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Baker US 4,509,950 and GB 2,115,002 A for reasons made of record.

Claims 1-8 and 11-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Oppenlaender et al (Oppenlaender) EP 014,992 for reasons made of record.

Claim 10 is objected to as containing allowable subject matter and would be allowed if written in independent form.

Applicant's arguments filed June 9, 2003 have been fully considered but they are not persuasive.

Applicants allege that the instant claims are directed to at least two oxygen-containing compounds, which contain in total at least four different oxygen-containing functional groups selected from an alcohol, ether, aldehyde, ketone, ester, inorganic

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ester, acetal, epoxide and a peroxide. A careful study of the instant claims reveals that the instant claims are absence of such teachings. Independent claims 1, 11 and 31 and their dependent claims only require an oxygen-containing component containing in total at least two-oxygen-containing organic compounds, said oxygen-containing organic compounds comprising at least four oxygen-containing functional groups comprising alcohol, ether, aldehyde, ketone, ester, inorganic ester, acetal, epoxide or peroxide, wherein each of said oxygen-containing organic compounds contains at least one of said oxygen-containing groups. Thus applicants' allegations are not convincing of error to rebut the 102 (B) rejections of WO 95/02654 (Killick), EP 0121,089 A2 (Majunke), US 4,356,001 (Sweeney), US 5,405,417 (Cunningham), US 4,892,562 (Bowers), US 4,746,420 (Darian), 4,549,883 (Purcell), US 4,522,630 (Seemuth), US 4,536,190 (Seemuth), US 5,766,272 (Lozzi), US 4,509,950 and GB 2,115,002 A (Baker) and EP 014,992 (Oppenlaender).

The argument that Majunke is directed solely to fuel for gasoline engines cannot anticipate the instant claims is without merit because the instant claims are directed to a composition. The composition of Majunke is the same composition of the instant claims can be used for the diesel, gas-turbine and turbojet engines of the instant claims. Applicants are arguing intended use. The instant claims motor fuel compositions are not limited to diesel, gas-turbine and turbojet engines. Thus the fuel compositions of Majunke clearly anticipates the instant claims.

Even if Sweeney is silent with respect to exhaust emissions of its fuel, the fuel compositions is the same and it inherently have reduced emissions of pollutants upon being combusted.

The Cunningham is maintained as an anticipatory reference because it clearly teaches to add more than one organic nitrate esters and its use with the peroxy compound clearly teaches oxygen-containing compounds having at least four oxygen-containing functional groups.

The teachings of Bowers clearly anticipates the instant claims because the nitrate compound contains two nitrate groups, note Table 1 of column 7, and the palladium acetyl acetonate compound contains two functional oxygen groups, note Table 6 in Examples B-D.

The examiner maintains the position stated on record that the composition of Darin prior to separation of the solvent anticipates the instant claims.

Applicants' argument that Purcell, Seemuth '630 and '190 Lozzi Baker and Oppenlaender do not contain at least four different oxygen-containing groups are without merits because the instant claims do not contain the said limitation. Therefore the said relied on prior art anticipates the instant claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

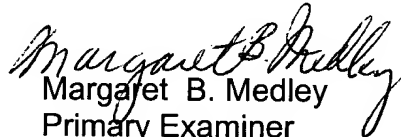
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is 703-308-2518. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Margaret B. Medley
Primary Examiner
Art Unit 1714

August 7, 2003